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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

**WASHINGTON C. MONTANO,**  
  
Plaintiff,  
  
v.

**CESAR L. SINNACO,**  
  
Defendant.

Case No.: 5:04-cv-00543 JF (PR)

**STIPULATION AND [PROPOSED]  
ORDER REGARDING EXPERT  
DISCOVERY AND MOTION *IN LIMINE*  
DEADLINE**

Courtroom: 3, 5th Floor  
Judge: Hon. Jeremy Fogel  
Pretrial Conf.: June 24, 2011  
Trial Date: July 5, 2011  
Action Filed: Feb. 9, 2004

1 Plaintiff Washington C. Montano and Defendant Cesar L. Sinnaco (collectively, "parties"),  
2 through their counsel of record, hereby stipulate as follows:

3 WHEREAS, on April 28, 2011, the parties filed a Stipulation and [Proposed] Order  
4 Regarding Settlement Conference And Expert Discovery Deadline, which sought to extend the  
5 deadline for expert discovery in light of the parties' mutual desire to schedule and attend a  
6 judicial settlement conference;

7 WHEREAS, on May 4, 2011 the Court approved the Stipulation and [Proposed] Order  
8 Regarding Settlement Conference And Expert Discovery Deadline, thereby setting the expert  
9 discovery deadline on June 15, 2011;

10 WHEREAS, the parties scheduled and attended a settlement conference with Magistrate  
11 Judge Vadas on May 31, 2011 (his earliest availability), and the case did not settle;

12 WHEREAS, the parties met and conferred regarding scheduling of expert depositions, and  
13 due to Dr. Sinnaco's expert witness's asserted unavailability until after the close of expert  
14 discovery, Plaintiff scheduled the deposition of Dr. Sinnaco's expert witness on June 20, 2011;

15 WHEREAS, the deadline to file discovery motions and motions *in limine* in this action is  
16 June 17, 2011 pursuant to section I.C.6 of the Court's Standing Order Re Pretrial Preparation;

17 WHEREAS, the scheduled deposition of Dr. Sinnaco's expert witness is scheduled to occur  
18 after the deadline to file discovery motions and motions *in limine* in this action;

19 WHEREAS the parties met and conferred, and hereby seek to reschedule the close of expert  
20 discovery with respect to the deposition of Dr. Sinnaco's expert and the deadline to file a motion  
21 *in limine* relating to Dr. Sinnaco's expert;

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1 THE PARTIES HEREBY STIPULATE to the following for Court approval:

2 1) The deadline to conclude expert discovery relating to Dr. Sinnaco's expert witness is  
3 continued from June 15, 2011 to June 21, 2011.

4 2) The deadline for Plaintiff to file motion(s) *in limine* relating to Dr. Sinnaco's expert  
5 witness is continued from June 17, 2011 to June 23, 2011 – one day prior to the Pretrial  
6 Conference in this action.

7 Dated: June 10, 2011

Respectfully submitted,

8 KAMALA D. HARRIS  
9 Attorney General of California  
10 TYLER B. PON  
11 Supervising Deputy Attorney General

12 /s/  
13 JEFF R. VINCENT  
14 Deputy Attorney General  
Attorneys for Defendant Cesar L. Sinnaco

15 I, Christopher M. O'Connor, declare, under penalty of perjury under the laws of the United  
16 States of America, that Deputy Attorney General Wilfred Fong has concurred in the filing of this  
17 document.

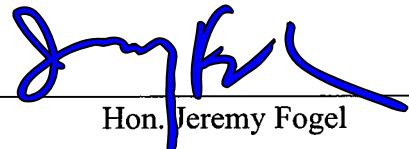
18 Dated: June 10, 2011

BINGHAM McCUTCHEN LLP

19 By: /s/ Christopher M. O'Connor  
20 Christopher M. O'Connor  
21 Attorneys for Plaintiff Washington C. Montano

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 Dated: 6/15/11

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26 Hon. Jeremy Fogel  
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